

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

NORMAN L. NICHOLS, JR.	:	
	:	Civil Action No.
	:	JFM-02-CV-3523
Plaintiff	:	
v.	:	
	:	
CAROLINE COUNTY BOARD OF EDUCATION	:	
Defendant	:	
	:	
	:	

**PLAINTIFF'S MOTION TO FILE SURREPLY TO DEFENDANT'S REPLY
TO PLAINTIFF'S OPPOSITION TO MOTION TO FOR SUMMARY
JUDGMENT**

Plaintiff, by his attorney, Frederick P. Charleston, Esq., pursuant to Local Rule 105 (2)(a), respectfully moves the court to permit him to file a Surreply to Defendant's Reply To Plaintiff's Opposition to Defendant's Motion For Summary Judgment by January 27, 2004, and as grounds therefore, asserts:

1. Defendant's Reply was received by counsel for Plaintiff on January 14, 2004.
2. Certain representations made by Defendant warrant a response from Plaintiff so that the record will be more fully developed before the Court rules on the motion for summary judgment.
3. Since Plaintiff nonetheless retains the burden of proof in this civil rights proceeding (despite having his version of the facts believed at this juncture), it would be appropriate and prudent to allow Plaintiff to have the last word before the Court rules.

Wherefore, for the reasons set forth above, or for whatever other reasons the Court deems just and proper, Plaintiff requests the Court permit him to file a Surreply by January 27, 2004.

Respectfully Submitted,

_____/s/_____
Frederick P. Charleston, Esq.
Attorney at Law
Fed. Ct. Bar No. 02933
2530 N. Charles St., Suite 201
Baltimore, Maryland 21218
(410) 662-0010

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of January, 2004, a copy of the foregoing Plaintiff's Motion To File Surreply To Defendant's Reply To Plaintiff's Opposition To Motion For Summary Judgment was served via facsimile and mailed first class, postage prepaid, to Steven B. Schwartzman, Esq., and Leslie Robert Stellman, Esq., Hodes, Ulman, Pressin & Katz, 901 Dulaney Valley Road, Towson, MD. 21204.

_____/s/_____
Frederick P. Charleston, Esq.